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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2681

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/428,228

Applicant(s)

Ghassabian Firooz

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 27, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 26-43 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 26-41 is/are rejected.

7) ☒ Claim(s) 42 and 43 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## **DETAILED ACTION**

### *Claim Objections*

1. Claims 42 and 43 are objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim can not be depend from claims expressed in the cumulative form. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.
2. Claim 26 is objected to because of the following informalities: line 4 contains a typographical error, "plan" should be "plane". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 26, 27, 28 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 26, 28, 40 and 41 recite the limitation "said wrist-mounted communication device" in lines 4-5. There is insufficient antecedent basis for this limitation in the claims.

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6. Claim 27 recites the limitation "said horizontal position" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 39 recites the limitation "said keypad" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims. Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 26,27-32,38, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez Martinez, U.S. Patent No. 6,078,803.

Regarding claim 26, in light of the rejection under 35 USC 112, second paragraph, Fernandez Martinez discloses a wrist-mounted telecommunication device for attaching to a wearer's wrist (col. 1, lines 39-44), the device comprising an antenna system having at least a first section coupled to said device and configured to transmit and receive communication signals (col. 2, lines 63-65), said antenna having a biasing mechanism (see Figs. 5&6, #11) wherein said antenna is held in horizontal plan[e] position of said wrist mounted communication device when

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said device is not in use by a user (col. 2, lines 63-65), and said biasing mechanism releases said antenna in a desired position relative to said horizontal plan[e] (i.e., inherent to “extendible antenna”) when said wrist communication device is in use by said user (col. 2, lines 63-65).

Regarding claim 27, in light of the rejection under 35 USC 112, second paragraph, Fernandez Martinez discloses the device according to claim 26, wherein said antenna is covered by a removable cover, wherein in closed position said cover (see Fig. 1, #8) holds said antenna in [said] horizontal position (i.e., “hidden on the folding flap 8”) and wherein when said cover is removed, said biasing mechanism releases said antenna to said desired position (col. 2, lines 63-65).

Regarding claim 28, in light of the rejection under 35 USC 112, second paragraph, Fernandez Martinez discloses the device according to claim 27, wherein said cover is a removable handset (i.e., module 2) of said wrist-mounted [tele]communication device (col. 1, lines 58-65).

Regarding claim 29, Fernandez Martinez discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a watch unit (col. 2, lines 50-57).

Regarding claim 30, Fernandez Martinez discloses the device according to claim 29, wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user’s wrist (see Fig. 1, #1, #2).

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Regarding claim 31, Fernandez Martinez discloses the device according to claim 27, wherein the back cover of said cover is made from the same material as the external part of said wrist-mounted communication device so that when said cover is positioned on said wrist communication device, the entire communication device appears in a uniformly integrated arrangement (see Fig. 1 and col. 1, lines 45-55, lines 65-67 to col. 2, lines 1-4).

Regarding claim 32, Fernandez Martinez discloses the device according to claim 26, wherein said antenna is expandable in its open position (see Fig. 1 and col. 2, lines 63-65).

Regarding claim 38, Fernandez Martinez discloses the device according to claim 28, wherein said handset is a multi-sectioned handset comprising at least two sections configured to move between a closed position and an open position, wherein in closed position said multi-sectioned handset is adapted to be as small as the largest section, and wherein in open position said sections of said multi-sectioned handset expand to provide an extended handset (see Fig. 1 and col. 2, lines 58-67 to col. 3, line 5)

Regarding claim 40, in light of the rejection under 35 USC 112, second paragraph, Fernandez Martinez discloses the device according to claim 26, wherein said wrist-mounted [tele]communication device further comprises a keypad unit (col. 2, lines 50-57).

Regarding claim 41, in light of the rejection under 35 USC 112, second paragraph, Fernandez Martinez discloses the device according to claim 26, wherein said wrist-mounted [tele]communication device further comprises a display unit (col. 2, lines 50-57).

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***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez Martinez, in view of Blonder et al. ("Blonder"), U.S. Patent No. 5,564,082.

Regarding claim 33, Fernandez Martinez discloses the device according to claim 32.

Fernandez Martinez does not disclose an expansion antenna configured to rotate about said first antenna.

In a similar field of endeavor Blonder discloses an expansion antenna configured to rotate about said first antenna (col. 4, lines 27-36).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Blonder to include an expansion antenna for the purpose of providing diversity.

Regarding claim 34, Fernandez Martinez discloses the device according to claim 26.

Fernandez Martinez does not disclose the device wherein at least a second antenna is configured to operate independently from said first antenna.

Blonder further discloses the device wherein at least a second antenna is configured to operate independently from said first antenna (col. 4, lines 27-51).

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At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Fernandez Martinez to include orthogonally independent signals for the antenna for the purpose of providing a diversity.

Regarding claim 35, the combination of Fernandez Martinez and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein said first and second antenna operate as a diversity antenna (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Fernandez Martinez to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 36, the combination of Fernandez Martinez and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first antenna is coupled to said communication device and the other end of said first antenna is rotatably coupled to one end of said second antenna (col. 4, lines 27-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Fernandez Martinez to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 37, the combination of Fernandez Martinez and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first and



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second antenna is rotatably coupled to said communication device such that said first and second antennas are adjustable to form an angle in relation to each other (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Fernandez Martinez to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Firooz, U.S. Patent No. 6,035,035, discloses a wrist mounted telephone device.

Raussi et al., U.S. Patent No. 6,208,876, discloses a wireless communication device.

Kivela, U.S. Patent No. 6,005,525, discloses an antenna arrangement for small sized radio communication devices.

Houlihan, U.S. Patent No. 5,467,324, discloses a wristwatch radiotelephone with deployable voice port.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

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The examiner's normal working hours are between 5:30 a.m. and 2:00 p.m., Monday through Friday. If attempts to reach the examiner prove unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to**  
Crystal Park II  
Sixth Floor (Receptionist)  
2121 Crystal Drive  
Arlington, VA



Joy K. Contee

February 10, 2002



**DWAYNE BOST**  
**SUPERVISORY PATENT EXAMINER**  
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